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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,353	04/17/2002	Georg Weihrauch	18874-9	7837
7590 05/13/2004				
Lichti Lempert & Lasch Bergwaldstr 1 Karlsruhe, D 76227 GERMAN DEMOCRATIC REPUBLIC				
EXAMINER TILL, TERRENCE R				
ART UNIT		PAPER NUMBER		
1744				

DATE MAILED: 05/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/018,353	<b>Applicant(s)</b> WEIHRAUCH, GEORG	
	<b>Examiner</b> Terrence R. Till	<b>Art Unit</b> 1744	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 29-61 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 29-38, 40 and 43-53 is/are allowed.
- 6) ☒ Claim(s) 39, 41, 42 and 54-61 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/6/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: On page 3, lines 8 through 9, "according to the preamble of claim 1" should be removed, as, currently; there is no claim 1.

Appropriate correction is required.

### ***Claim Objections***

2. Claim 40 is objected to because of the following informalities: Claim 40 depends on claim 29 but succeeds claim 39. Did applicant intend to have claim 40 depend on claim 29? Appropriate correction is required.

### ***Double Patenting***

3. Claim 55 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 54. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).
4. The preamble limitation "according to the method of claim..." has no patentable significance or influence on the body of the apparatus claim.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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6. Claims 39, 41 and 42 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Part "b)" of claim 39 states "b) joining a support structure web onto at least a portion of said thickenings to cover thickenings and to connect together adjacent thickenings; and." This can only be interpreted as the support structure web being a separate element attached to a portion of the thickenings. The support structure web is created as material flows from the thickenings during the molding process. The application does not disclose of a separate support structure web element joined onto at least a portion of the thickenings.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 54-61 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese patent to Lion Corporation.

9. The patent to the Lion Corporation discloses (see figures 1a-c and 2a-c) a plastic bristle carrier 3; and a bristle configuration of individual or bundlewise-combined plastic bristles 11, provided at their fastening-side ends with melted thickenings 2 by means of which they are embedded in the bristle carrier, the bristles or bristles bundles of an entire bristle stock being joined by plastic of the bristles connecting said thickenings to form a support structure web for

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increasing a resistance extraction of the bristles. With respect to claims 56 and 57, the thickenings taper down toward adjacent thickenings and are joined at these thinner regions, creating a support structure web. As they are shown to be tapered, they therefore, at least zonally, have a smaller thickness at the mid-distance between the bristle bundles. With respect to claims 58 and 59, as Lion Corporation discloses all the claimed structure, they are considered to disclose support structure webs being constructed as joints. With respect to claims 60 and 61, as stated above the thickenings taper down away from the bristle bundles and therefore a portion of the web is not coplanar with the thickenings.

*Allowable Subject Matter*

10. Claims 29-38, 40 and 43-53 are allowed.
11. The following is an examiner's statement of reasons for allowance: With respect to claim 29, the prior art does not disclose nor render obvious the claimed method, particularly the method step of shaping and displacing plastic material of at least a portion of said thickenings in a mold to create at least a partial support structure web connecting together adjacent thickenings. With respect to claim 43, the prior art does not disclose nor render obvious the claimed combination of subject matter of a mounting support having channels for receiving the bristles or bristle bundles of complete bristle stock of a toothbrush; means for supplying the bristles or bristle bundles into said channels to a position in which their fastening-sided ends project past the mouths of said channels; means for melting said fastening-side ends; and a shaping device having a male die associated with each thickening for lateral displacement of plastics material of said thickenings and at least one shaping unit located between said male dies for shaping said

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displaced plastics material into connections between said thickenings for forming said support structure web.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

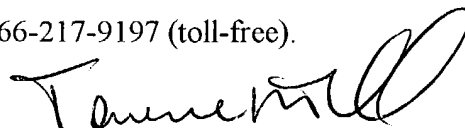
12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Lewis, Gueret, Fassler et al., Weihrauch, Lanvers and German patent to Hersche show various methods of anchoring bristles by either molding material around the bristles or melting the ends of the bristles to create an anchoring portion.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terrence R. Till whose telephone number is (571) 272-1280. The examiner can normally be reached on Mon. through Thurs. and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on (571) 272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Terrence R. Till  
Primary Examiner  
Art Unit 1744

trt